

REMARKS

Claims 1-29 remain in the application. Applicant respectfully requests reexamination.

The disclosure was objected to because of informalities on page 4, paragraph 32, lines 5-6 and page 10, paragraph 35, lines 2-3. The specification has been amended to correct the informalities. Applicant respectfully requests that this objection be withdrawn.

Claim 3 was rejected under 35 U.S.C. § 112 second paragraph. The Office Action pointed out that there was no antecedent for “the base”, (office action, page 2, line 16). Claim 3 has been amended to obviate the lack of antecedent. Applicant respectfully requests that this rejection be withdrawn.

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by *Garvin* (US Pat No. 6,364,266). Applicant respectfully traverses.

The office action asserts that *Garvin* discloses a drop segment 22, a stabilizing segment (curved section), a loop 18, and a coupling mechanism (nail) 40, (office action, page 3, lines 6-7). Claim 1 recites a stabilizing segment oriented to lay against an upper support, the stabilizing segment formed into a loop at its end. The structure disclosed in *Garvin* does not lay against an upper support or other surface. *Garvin* suggests only that the loop 18 of the device be placed against the ceiling surface during attachment, (Column 4, lines 27-30, column 5, lines 44-46), and the “curved section” referred to in the office action as “a distancing means comprising of an intermediate portion preferably shown as a generally S-shaped upright leg 22 is (sic) utilized to clear the electrical wire 11 from the surface such as the ceiling surface 20.” (Column 4, lines 34-37.)

Applicant's use of a stabilizing segment that lays against an upper support provides a structure capable of producing large reaction moments allowing greater loading. *Garvin's* device relies on a driving pin 40 to provide reaction moments. The inadequacy of a driving pin 40 (nail) to provide a large reaction moment limits the functionality of the *Garvin* device. For instance, *Garvin's* preferred embodiment requires enhancing the fastening means by use of a circular plate 42 that *Garvin* recommends be welded to the loop 18, (Column 5, lines 7-9). In the alternate embodiment, *Garvin* recommends limiting the inner diameter of the loop to 0.265 inches (Column 5, line 48). In contrast, applicant's invention does not need a circular plate welded to the loop or to limit the size of the loop to 0.265 inches. Applicant has a stabilizing segment that is oriented to lay against an upper support to provide a much larger inherent reaction moment capability.

Applicant believes that claim 1 is patentable over *Garvin* and respectfully requests that the rejection be withdrawn.

Claims 2-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Garvin*. Applicant respectfully traverses.

Claims 2-4 depend from claim 1 and add structural features that more particularly define the invention and further distinguish over the cited reference and the prior art of record. Applicant hereto submits the arguments set forth above for the patentability of claim 1. Applicant respectfully requests that this rejection be withdrawn.

Claims 5-27 (29) were rejected under 35 U.S.C. §103(a) as being unpatentable over *Garvin* in view of *Shibuya* (US Pat No. 6,779,762). Applicant respectfully traverses.

Claims 5-28 depend from claim 1 adding structural features that more particularly define the invention and further distinguish over the cited reference and the prior art of record. *Shibuya*

is directed to pipe hanging device. *Shibuya* like *Garvin* fails to disclose or suggest a stabilizing segment oriented to lay against an upper support. Applicant respectfully submits that claims 6 and 7 are patentable over any combination of *Garvin* and *Shibuya*.

Claim 8 recites a coupling assembly adapted to couple the fastener assembly to the support member, the coupling assembly comprising a flange positioned opposite the projection portion of the fastener assembly. The office action asserts that although *Garvin* does not disclose this element *Shibuya* does in its “bushing-like element (21)” (office action, page 4, lines 1-2). The “bushing like element (21)” is not a flange but an anchor 21 to hold the bolt 20 to the ceiling (Column 3, lines 47, 48 and Column 6, lines 24-26). Moreover, there is no projection portion of the assembly from which to place a flange opposite thereto. The recited limitation is not disclosed or suggested in either *Garvin* or *Shibuya*. Applicant respectfully submits that claim 8 is patentable over any combination of *Garvin* and *Shibuya*.

Claims 9-26 depend from claim 8 adding structural features that more particularly define the invention and further distinguish over the cited references and the prior art of record. Applicant respectfully submits that claims 9-26 are patentable for the same reasons as set forth above for claim 8.

Claims 27-28 are method claims. The office action simply assured “the device set forth above can be made following the recited steps” (office action, page 4, line 8). Neither *Garvin* nor *Shibuya* disclose the steps to make any device, let alone the claimed device. This seems entirely reasonable because neither *Garvin* or *Shibuya* disclosed the claimed device. Applicant respectfully submits that Claims 27 and 28 are patentable over any combination of references of record.

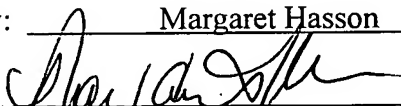
Claim 29 recites a bushing having a flange. Neither *Garvin* nor *Shibuya* disclose or suggest a bushing or a flange. The element 21 in *Shibuya* is not a flange but a nail anchor 21 for a holding bolt 20, (*Shibuya*, column 3, lines 47-48).

Applicant submits that claims 5-29 are patentable over any combination of *Garvin* and *Shibuya*. Applicant respectfully requests that this rejection be withdrawn.

In light of the above amendment and remarks, Applicant respectfully submits that claims 1-29 are allowable and requests that all the claims be allowed and the application passed to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450 on January 20, 2006.

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Signature

Dated: January 20, 2006

Very truly yours,

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